

DREISS, FUHLENDORF, STEIMLE & BECKER

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PRO
09/766485
01/19/01



PATENTANWÄLTE · P.O.Box 103762 · D-70032 STUTTGART

Jones, Tullar & Cooper, P.C.
Att.: Mr. F.D'Ambrosio
P.O.Box 2266 Eads Station

Arlington, Virginia 22202
U S A

By facsimile

Ihr Zeichen / Your Ref.

Unser Zeichen / Our Ref.

Datum / Date

3835 004 aus

June 2, 2000

U.S. Patent Application 09/135,486
Patent No. 6,045,360
in the name of SIMOES, Dionisio, Rio

COPY

Dear Mr. D'Ambrosio:

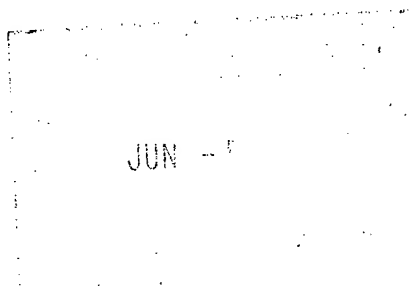
We acknowledge receipt of your letter dated May 4, 2000 and of the enclosed Letters Patent.

We note that the filing date is Aug. 18, 1998 what is the filing date of the U.S. application. There is no hint to the filing date of the international patent application what makes us concerned in view of novelty.

Please check and inform us as soon as possible.

Yours faithfully,
Dreiss, Fuhlendorf, Steimle & Becker

[Signature]
(Prof. Dr. U. Dreiss)
Patent Attorney



Alicante: Paseo Explanada de España no.1, 4-izda, E-03002 Alicante (Spanien)

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Jones, Tullar & Cooper, P.C.
Att.: Mr. F.D'Ambrosio
P.O.Box 2266 Eads Station

Very urgent

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U S A

By facsimile

Ihr Zeichen / Your Ref.

Unser Zeichen / Our Ref.

Datum / Date

3835 004 sue

17 August 1998

U.S. National Phase of
International Patent Application PCT/EP96/04945
in the name of SIMOES, Dionisio, Rio

Dear Mr. D'Ambrosio:

Enclosed we send you the following documents:

International publication WO 98/20804 including originally
filed documents and International search report.

Please take all necessary steps to initiate the national phase
in the US.

You will note that the term of 20 months (international
examination has not been requested) has already lapsed but we
understand from other cases that it is possible to proceed
with the U.S. application upon payment of a surcharge for late
payment.

So please take all necessary steps as quickly as possible to
ensure that the U.S. national phase is validated.

From the front page of the international publication you may
see all necessary details.

Please inform us if you need further informations and confirm
by return facsimile.

Yours faithfully,
Dreiss, Fuhlendorf, Steimle & Becker

(Prof. Dr. U. Dreiss)
Patent Attorney

COPY

JONES, TULLAR & COOPER, P.C.

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June 6, 2000

VIA FACSIMILE

Prof. Dr. Uwe Dreiss
DREISS, FUHLENDORF, STEIMLE & BECKER
Patentanwalte
Postfach 10 37 62
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GERMANY

COPY

Re: U.S. Patent No. 6,045,360
Your Ref: 3835 004
Our Ref: Simoes

Dear Uwe:

Regarding the above-noted patent, please refer to our letter of August 18, 1998 wherein we reported that the U.S. application was filed under 35 USC 111, which is permissible.

The U.S. filing date is, therefore, August 18, 1998 the day that the U.S. application under 35 USC 111 was filed.

We did not obtain priority from the PCT application. There is no bar resulting from the publication of the PCT application, because the publication is not a patent. I do not have a copy of the published application in our file, but I recall that the publication was not more than one year prior to the filing date. I will check this out by obtaining a copy of the published PCT application.

I will call you about this matter.

Sincerely,

JONES, TULLAR & COOPER, P.C.

Felix J. D'Ambrosio

FJD:pp



TO ↓
JONES, TULLAR & COOPER, P.C.
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FROM
VIA FACSIMILE

COPY

Prof. Dr. Uwe Dreiss
DREISS, FUHLENDORF, STEIMLE & BECKER
Patentanwalte
Postfach 10 37 62
D-70032 Stuttgart
GERMANY

Re: U.S. Patent No. 6,045,360
Your Ref: 3835 004
Our Ref: Simoes

Dear Uwe:

Dear Felix, Referring to our telephone conversation yesterday, we checked the data and found that the German patent was granted on Oct. 30, 96 and published April 24, 1997. Thus, with the present application date, the US patent is void. This must be repaired. What can be done? Please call me as soon as you are in the office. Regards. Uwe 86.00

Regarding the above-noted patent, please refer to our letter of August 18, 1998 wherein we reported that the U.S. application was filed under 35 USC 111, which is permissible.

The U.S. filing date is, therefore, August 18, 1998 the day that the U.S. application under 35 USC 111 was filed.

We did not obtain priority from the PCT application. There is no bar resulting from the publication of the PCT application, because the publication is not a patent. I do not have a copy of the published application in our file, but I recall that the publication was not more than one year prior to the filing date. I will check this out by obtaining a copy of the published PCT application.

I will call you about this matter.

Sincerely,

JONES, TULLAR & COOPER, P.C.

Felix J. D'Amrosio

JONES, TULLAR & COOPER, P.C.

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jc974 U.S. PTO
09/766485
01/19/01

August 18, 1998

VIA FACSIMILE

Prof. Dr. Uwe Dreiss
DREISS, FUHLENDORF, STEIMLE & BECKER
Patentanwälte
Gerokstrasse 6
D-70188 Stuttgart
GERMANY

COPY

Re: New U.S. National Phase Application
Corres. to PCT/EP96/04945
Your Ref: 3835 004
Our Ref: Simoes

Dear Uwe:

We filed this national phase application as a 35 USC 111 application rather than a 35 USC 371 application so that we would not have to pay the filing fee at this time. Under 371 the fee would have been \$1190 (because we do not have an executed small entity form to file). Under 111 the forms can be filed later and the fees will be reduced by, what we assume is, a small entity filing.

Thank you for entrusting to us the filing of this application.

Sincerely,

JONES, TULLAR & COOPER, P.C.

By: _____
Felix J. D'Ambrosio

FJD:pp
Enclosures - Via Airmail